

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**October 6, 2016**



**Planning Exception case no. PE16-01: Osborn Business Park**

**CASE DESCRIPTION:** a request for approval of an exception from standards for subdivision design of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) which states that drainage easements shall not be considered part of the lot area for purposes of minimum lot size requirements for lots zoned Commercial District (C-3), to allow proposed new Lot 4 in Block 2 of the Osborn Business Park – Phase 2

**LOCATION:** proposed Lot 4 in Block 2 of Osborn Business Park Subdivision – Phase 2, on 11.814 acres of land at the east corner of Osborn Lane and Prairie Drive

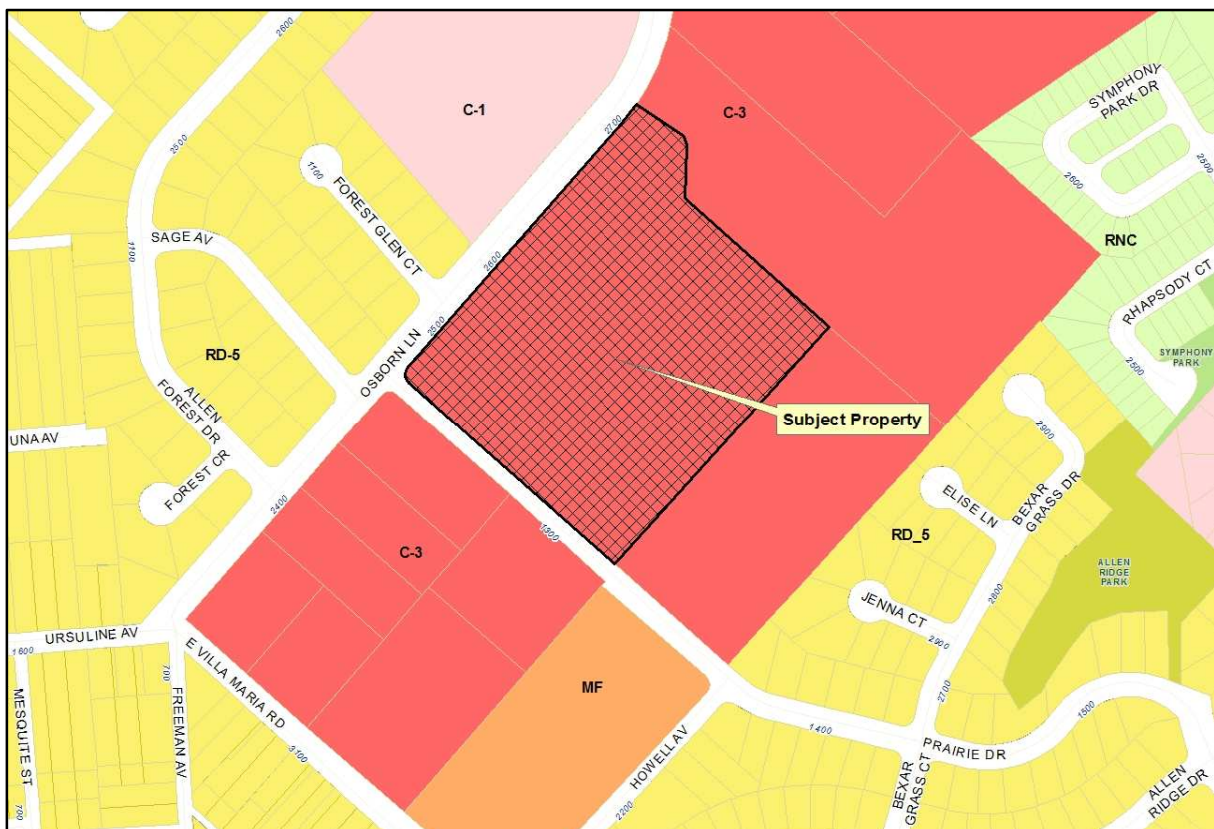
**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** Wellborn Development Corp

**AGENT:** J4 Engineering – Glenn Jones

**STAFF CONTACT:** Stephanie Doland, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested exception.



## 2015 AERIAL IMAGE:



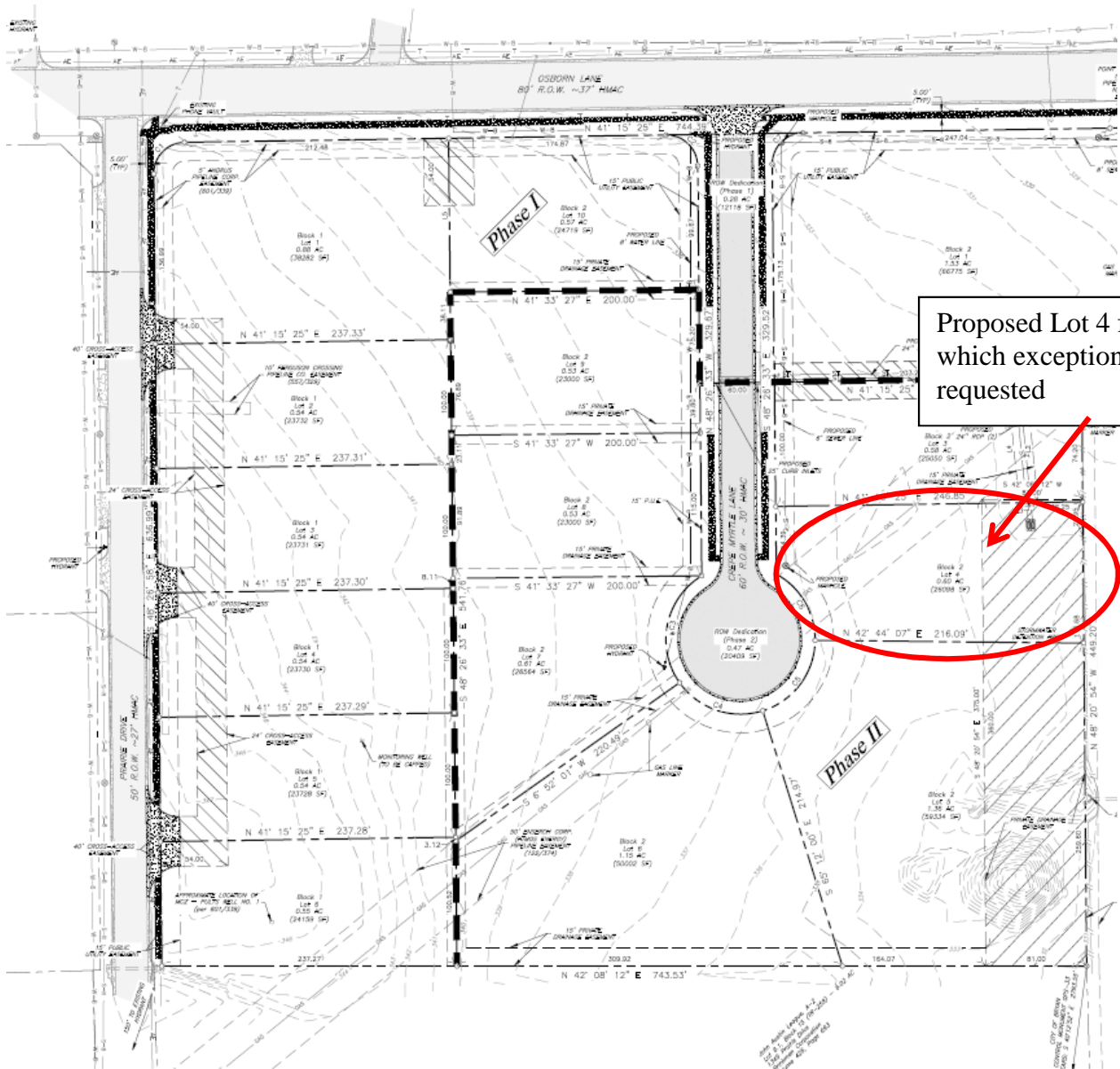
## BACKGROUND:

The applicant/property owner, Jerry Windham, is requesting an exception to Article IV, Section 110-59 (d) easements, which states that drainage easements shall not be considered part of the lot area for the purposes of minimum lot size. The City of Bryan Land and Site Development Ordinance requires lots zoned Commercial District (C-3) to be at least 100 feet wide, 200 feet deep, and no less than 20,000 square feet in size.

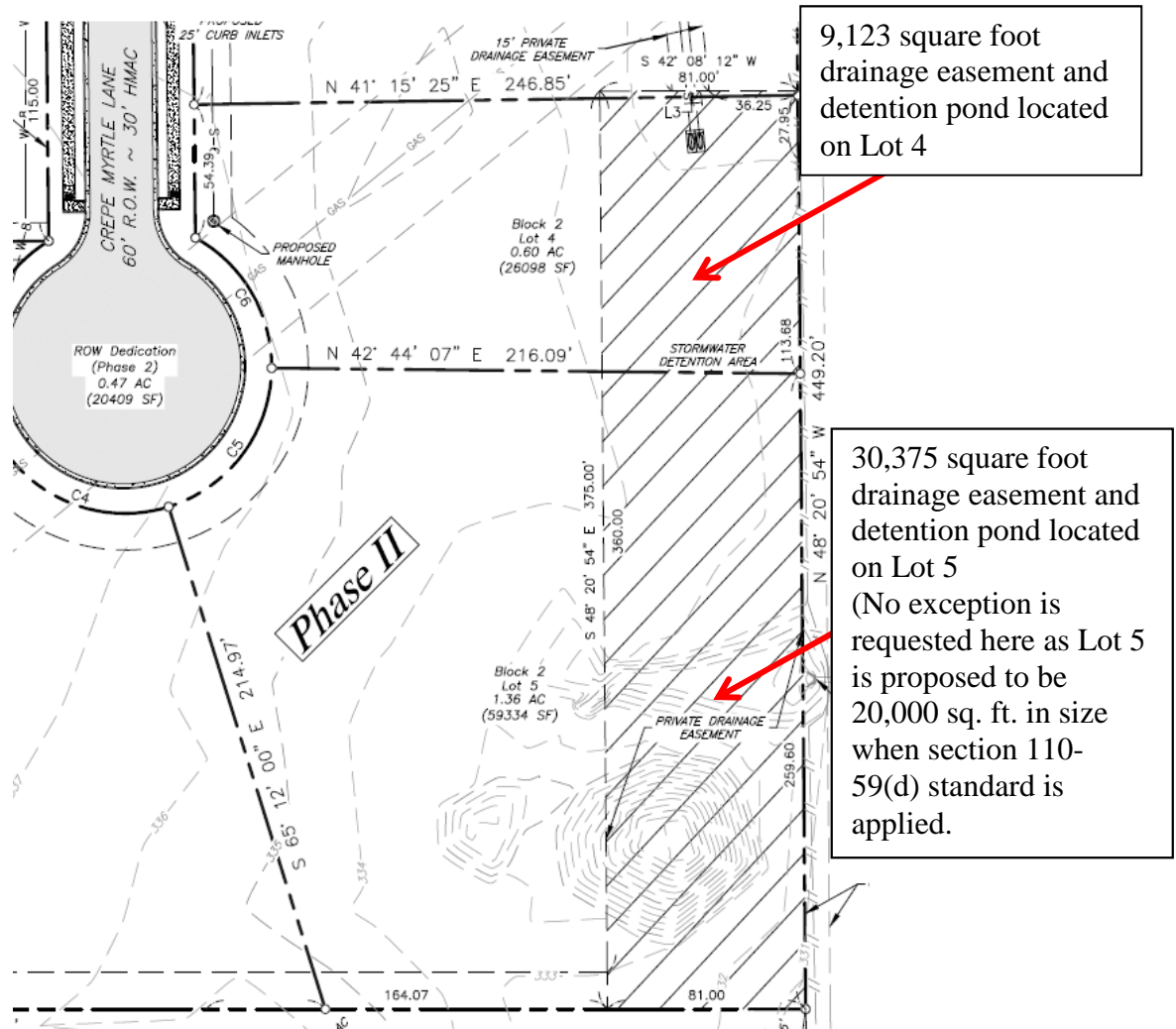
The request was made in order to allow for the proposed subdivision of 11.814 acres of land located at the east corner of Osborn Lane and Prairie Drive to be developed in two phases with 15 commercial lots. Lot 4 and Lot 5 in Block 2 of the proposed subdivision are planned to contain parts of a regional detention pond for the entire subdivision. Proposed Lot 4 has a total lot size of 26,098 square feet, but contains a drainage easement with an area of 9,123 square feet, leaving only 16,975 square feet of lot area when the standard of section 110-59(d) is applied. The applicant is requesting an exception to this standard, to allow the platting of Lot 4 to be allowed to include 3,025 square feet of drainage easement area in the minimum lot size calculation for proposed Lot 4.



## Excerpt from Proposed Master Plan of Osborn Business Park:



## PROPOSED LOT 4 IN BLOCK 2:



## ANALYSIS:

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in its opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

**In this circumstance, proposed Lots 4 and 5 in Block 2 of the Osborne Business Park – Phase 2 are the most reasonable lots for the proposed storm water detention area because of the elevation and flows on the land. The highest elevation of the 11.814-acre tract of land is located in the southwestern-most corner of the property (346 feet). The lowest elevation (332 feet) of the proposed business park is located at the back of proposed Lots 4 and 5 and is 14 feet lower than the highest point of the property. Therefore, the proposed location for the storm water detention pond is the most reasonable and logical location for the conveyance and detention of storm water.**

**Lot 4 is proposed to be 26,098 square feet in size, with a width of 119.18 feet and 246.28 feet of depth, exceeding the minimum lot width and depth requirements for lots in the C-3 zoning district. The subdivision of land requires an adequate drainage plan for the entire 11.814-acre tract of land. Being that Lot 4 is the most logical location for the storm water detention pond, staff believes that, in this circumstance a 15% reduction in lot area for Lot 4 will still allow sufficient room for modern commercial development.**

2. That the exception is necessary for the preservation and enjoyment of the property.

**Staff believes that the overall effect of allowing the 3,025 square feet of proposed storm water detention pond and drainage easement areas on proposed Lot 4 in this subdivision phase to be counted with the overall lot size will be negligible, if at all noticeable, given the properties' extraordinary lot width, depth and overall size. Granting this exception will still allow for the development of a commercial subdivision at this location.**

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

**Staff believes that granting the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.**

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

**Staff believes granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of the Subdivision Ordinance.**

#### **RECOMMENDATION:**

Staff recommends **approving** the requested exception.